

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

YAMAP0398USD

In re Application of: Miyamoto, et al.

Application No.: 10/712,916

Filed: 13 November 2003

For: OPTICAL INFORMATION MEDIUM, AND METHOD AND APPARATUS FOR FABRICATING SAME

The owner\*, MATSUSHITA ELECTRIC INDUSTRIAL CO. LTD., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 5,681,634 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 26,725

Signature

March 24, 2005

Date

NEIL A. DUCHEZ

Typed or printed name

03/30/2005 WASFAW1 00000030 10712916

02 FC:1814

130.00 OP

(216) 621-1113

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



**REISSUE APPLICATION DECLARATION BY THE INVENTOR**

Docket Number (Optional)

YAMAP0398USD

I hereby declare that:

Each inventor's residence, mailing address and citizenship are stated below next to their name.

I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number 6,263,939 B1, granted 07/24/01 and for which a reissue patent is sought on the invention entitled OPTICAL INFORMATION MEDIUM, AND METHOD AND APPARATUS FOR FABRICATING THE SAME

the specification of which

☐ is attached hereto.

☒ was filed on 11/05/02 as reissue application under US Express Mail No. EF297164190US.

and was amended on 11/05/02 with a Preliminary Amendment filed with the Reissue Application. (If applicable)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☐ I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

Applicants failed to claim the optical information medium products and the methods for fabricating an optical information medium claimed in new claims 10-16. Applicants consider the reissue application to be a broadening reissue application, since claims 10-16 of this application were not included in U.S. Patent No. 6,263,939 B1.

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This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

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All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

Note: To appoint a power of attorney, use form PTO/SB/81.

Correspondence Address: Direct all communications about the application to:

☒ Customer Number:

23908

OR

<input type="checkbox"/> Firm or Individual Name	Neil A. DuChes				
Address	Renner, Otto, Boisselle & Sklar, LLP				
Address	1621 Euclid Avenue, Nineteenth Floor				
City	Cleveland	State	Cleveland	Zip	44115
Country	U.S.				
Telephone	216-621-1113	Fax	216-621-6165		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.					
Full name of sole or first inventor (given name, family name) Hisaki Miyamoto					
Inventor's signature <i>Hisaki Miyamoto</i>			Date <i>January 31, 2005</i>		
Residence <i>Osaka, Japan</i>			Citizenship <i>Japan</i>		
Mailing Address 5-10-15, Minami-suita, Suita-shi, Osaka, Japan					
Full name of second joint inventor (given name, family name) Michiyoshi Nagashima					
Inventor's signature <i>Michiyoshi Nagashima</i>			Date <i>January 19, 2005</i>		
Residence <i>Nara-ken, Japan</i>			Citizenship <i>Japan</i>		
Mailing Address 3-3-8, Shikanodai-higashi, Ikoma-shi, Nara-ken, Japan					
Full name of third joint inventor (given name, family name) Kiyoshi Inoue					
Inventor's signature <i>Kiyoshi Inoue</i>			Date <i>February 3, 2005</i>		
Residence <i>Osaka, Japan</i>			Citizenship <i>Japan</i>		
Mailing Address 2-1-18-202, Taishibashi, Asahi-ku, Osaka-shi, Osaka, Japan					
<input checked="" type="checkbox"/> Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or 02LR attached hereto.					



ADDED PAGE TO REISSUE DECLARATION BY THE INVENTOR  
FOR SIGNATURE BY FOURTH AND SUBSEQUENT INVENTORS

Full name of fourth inventor, if any Sakae Noda

Inventor's signature Sakae Noda

Date March 3, 2005 Country of Citizenship Japan

Residence Osaka, Japan

Post Office Address 3-13-9, Kuraji, Katano-shi  
Osaka, Japan

Full name of fifth inventor, if any \_\_\_\_\_

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_ Country of Citizenship \_\_\_\_\_

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

Full name of sixth inventor, if any \_\_\_\_\_

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_ Country of Citizenship \_\_\_\_\_

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

This declaration ends with this page.